

REMARKS

Claims 2-26 are currently pending in the present application, with Claims 2, 3, 5, 6, 8, 11, and 26 being amended. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner objected to the specification under 35 U.S.C. § 112, first paragraph, as failing to adequately teach "said center station is a radio station" as recited in Claim 8. At the same time, the Examiner rejected Claim 8 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification. Applicants have amended Claim 8 and respectfully submit that the objections are overcome.

The Examiner rejected Claim 2 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended Claim 2 and respectfully submit that Claim 2 is in compliance with 35 U.S.C. § 112.

The Examiner objected to Claim 11 for reasons of informalities; Applicants have amended Claim 11 to correct the informalities.

The Examiner rejected Claims 2-7, 9-17, and 19-26 under 35 U.S.C. § 103(a) as being unpatentable over author admitted prior art ("APA") in view of Tsurumi et al. (U.S. Patent No. 5,890,910). This rejection is respectfully traversed with respect to the amended claims.

As previously communicated, the present invention is directed to a method and apparatus for downloading music data such as songs or musical pieces to a player, such as a portable MP3 player, wherein the player includes a memory for storing music data. More specifically, the preferred embodiment of the present invention identifies the contents of the player memory to determine what music data is already stored in the player memory. The contents of the player memory is identified by using type data associated with each song or musical piece, the type data typically being one of genre, singer, composer, etc. At the same time, the present invention includes an input device for receiving from a user type data designating certain music data desired by the user (e.g., R&B songs, songs sang by Britney Spears, musical pieces composed by

John Williams, etc.). Finally, the present invention includes a tuner or a receiver such as a modem for receiving new music data from a center station, such as broadcast station or network server.

As also previously communicated, in accordance with the present invention, the type data of the received new music data is compared with the type data of the music data already stored in the player memory, to check whether the player memory already has the received new music data. Additionally, the type data of the new music data is compared with the type data designated by the user. If the player memory does not already have stored the received new music data, and if the type data of the new music data is one that is designated by the user, then the new music data is downloaded. The process is illustrated in Fig. 3 of the present application.

Neither APA nor Tsurumi contain any disclosure of downloading to a player memory music data having type data (again, such as title, performer, genre, etc.), AND where the downloaded music data is designated as desired by a user of the portable player, AND the music data is not already stored in a player memory.

As previously communicated, APA simply discusses storing music from a CD to a computer hard drive, and then encoding the music stored in the hard drive for downloading to a portable player. Tsurumi, on the other hand, is directed to a system and method for managing information that is delivered from a host server to a terminal karaoke apparatus. Specifically, Tsurumi discloses a system in which the terminal karaoke apparatus may, at times designated by the user of the terminal apparatus, request and receive from the host the latest release/update of music data. The release/update contains the latest music data such as new songs, as well as commercial information (referred to as "CM" in Tsurumi) that may include advertisement data such as announcement of upcoming concerts, etc. Tsurumi also teaches deleting CM data that may be outdated. Contrary to the Examiner's contentions, Tsurumi does not teach or suggest designating specific music data based on type data (again, such as title, performer, genre, etc.) and downloading such music data from a central server if such music data is not already stored in the portable player. Rather, Tsurumi only discloses periodic updating of the terminal

apparatuses with the latest release updates without any regards to user selection of specific music data or type data associated with the music data (see Col. 7, lines 46-52). Accordingly, Applicant respectfully submits that Claims 2-7, 9-17, and 19-26 are not anticipated by, nor obvious in view of, APA and Tsurumi.

The Examiner rejected Claims 8 and 18 under 35 U.S.C. § 103(a) as being unpatentable over APA in view of Tsurumi and further in view of Kim et al. (U.S. Patent No. 6,083,009). This rejection is respectfully traversed.

As discussed above, neither APA nor Tsurumi contain any disclosure of downloading music data that have been designated by their type data. Kim fails to make up for this deficiency. Specifically, Kim discloses reading music file from a PSDN 210 in response to a download request, and then downloading the music file to a karaoke device. Kim makes no mention of designating music data by using associated type data. Accordingly, Applicant respectfully submit that Claims 8 and 18 are not obvious in view of APA, Tsurumi, and Kim.

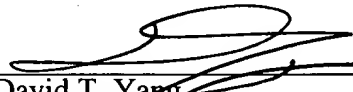
In view of the foregoing, Applicant respectfully submits that all of the pending claims are in condition for allowance. Reconsideration and reexamination of the claim are respectfully requested, and an early allowance is solicited. If the Examiner believes it would further advance the prosecution of the present application, he is respectfully requested to contact the undersigned attorney.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032014500.

Respectfully submitted,

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